



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/819,758

03/29/2001

Takashi Yamamoto

35.C15234

2682

5514

7590

11/24/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

LAO, LUN YI

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 11/24/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

KS

**Office Action Summary**

Application No.

09/819,758

Applicant(s)

YAMAMOTO ET AL.

Examiner

Lao Y Lun

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-13 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al(5,416,535).

As to claims 1-3, 5-13 and 16-17, Sato et al teach a communication system comprising: a controlled device(e.g. VTR 161) for managing an operation panel having a plurality of display elements(SD) corresponding to predetermined operations(see figures 1, 8 and column 7, lines 50-64); a controller(see figure 2) for accepting an operation for the operation panel(SD) supplied by the controlled device(VTR 161) (see figures 1, 2, 7, 8, (18-24, 26a-27; column 7, lines 50-64; column 8, lines 34-68; column 9, lines 1-10 and lines 57-68 and column 10, lines 1-12); and an operation apparatus(see figures 1, 14, 18) having a first operation unit(SD on the bottom of the display) for operating the operation panel and a second operation unit(SD on the left

Art Unit: 2673

or right side of the display) for specifying a specific operation(volume control or VTR1 or VTR2 or CD or TV etc.), wherein the controller(see figure 2) transmits a first control signal indicating that any of the display element has been operated on the basis of an operation for the first operation unit(SD on the bottom of the display) to the controlled device(VTR 161) and transmits a second control signal for specifying any of the specific operations(Volume control or VTR1 or VTR2, CD or TV, etc.) on the basis of an operation for the second operation unit to the controlled device(VTR 161)(see figures 1, 2, 8, 14, 18, 24, 26a, 26b; column 9, lines 57-68; column 10, lines 1-12 and lines 63-68; column 11, lines 1-7; column 20, lines 23-68 and column 21, lines 1-7).

As to claims 2, 7 and 12, Sato et al teach an operation panel has a hierarchical data structure and the display element has at least one of image data and text data(see figures 14, 24, 26a-26b; column 20, lines 56-68 and column 21, lines 1-7).

As to claims 3 and 13, Sato et al teach the controller moves a Cursor(P)displayed on the display panel on the basis of the operation for the first operation unit(SD on the bottom of the display)(see figures 1-2, 3, 6, 13, 14; column 4, lines 41-66 and column 7, lines 65-68).

As to claim 5, Sato et al teach controlled device(VTR1 or VTR2, VDP or TV or CD) receives one of the first control signal(fast forwarding, stopping or pausing) and and second control signal(VTR or CD player, etc.) determines whether contents of the operation panel should be changed, and transmits data for changing the contents of said operation panel to said controller if the contents should be changed(see figures 1, 2, 13, 14, 24-26b; column 9, lines 57-68; column 10, lines 1-12; column 20, lines 11-68 and column 21, lines 1-7).

As to claim 9, Sato et al teach a data communication apparatus is a video recorder(VTR, 61) or a tuner(64)(see figure 1 and column 4, lines 19-27).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 , 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al in view of Fujita et al(5,500,794).

Sato et al fail to disclose a controller for operating the second operation unit even if the display panel is not displayed or fail to disclose a remote controller having a plurality of operation panel.

Fujita et al teach a communication apparatus comprising a controller for activating the second operation unit (Volume control) even if the display panel is not displayed and a remote controller(10) having a plurality of operation panel(12-15) (see figures 1, 7a-9 and column 2, lines 42-49). It would have been obvious to have modified Sato et al with the teaching of Fujita et al, so as to provide a display have more space to present other image signals.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al in view of Osakabe(6,400,280).

Sato et al fail to disclose a digital television set.

Osakabe teaches a communication apparatus having a digital television set(see figures 2, 3, 5; abstract and column 5, lines 1-11). It would have been obvious to have modified Sato et al with the teaching of Osakabe, so as to provide higher quality image signal to a viewer.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sato(5,949,407) teaches a display system having a first operation unit(SD1) and a second operation unit(SD2).

Hahm(5,949,351) teaches a remote controller(100) for controlling a plurality the controlled apparatus(120, 130, 140).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi, Lao whose telephone number is (703) 305-4873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Application/Control Number: 09/819,758

Page 7

Art Unit: 2673

November 18, 2003

*Lun-yi Lao*

Lun-yi Lao

Primary Examiner